



Attorney Docket No. SHP026.4.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: HORNER ET AL.

SERIAL NO.: 10/766,369

GROUP ART UNIT: 3763

FILED: January 28, 2004

EXAMINER: Unknown

FOR: BIOPSY NEEDLE DEVICE

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Jodi Barrus
Jodi Barrus

April 8, 2004

Date

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. _____ Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. X This application claims priority to application Serial No. 09/809,357, now Patent 6,595,955, filed March 15, 2001. Copies of the references listed on the attached PTO-1149 form were provided with the aforementioned parent case and with related case Serial No 10/409,819 filed April 8, 2003.

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. _____ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language as follows:
- c. _____ The following additional information is provided for the Examiner's consideration:

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):

(check one box)

- a. X within three months of the filing date of this application.
(37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. within three months of the date of entry of the national stage as set
forth in 37 C.F.R. § 1.491 in an international application (37 C.F.R.
§ 1.97(b) (2)). No fee or certification is required.
- c. before the date of mailing of a first Office Action on the merits (37
C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event
that a first Office Action on the merits has been issued, please consider
this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37
C.F.R. § 1.97(e) below, or, if no certification has been made, charge our
deposit account a fee in the amount of \$180.00 as required by 37 C.F.R.
§ 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):

(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. §
1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See
37 C.F.R. § 1.97(c) (2)).

- a. No certification; therefore, a fee in the amount of \$180.00 is required by
37 C.F.R. § 1.17(p).
- or
- b. See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that:

- a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of the IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designed in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. ☐ some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of the IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designed in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

☐ Please charge Deposit Account No. 19-3542 in the amount of \$180.00 for the above-indicated fee.

☒ No fee is required.

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.704(d) (PATENT TERM
ADJUSTMENT)

Applies to original applications (other than design) filed on or after May 29, 2000

- a. _____ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designed in § 1.56 (c) more than thirty days prior to the filing of the Information Disclosure statement.
- b. X Enclosed herewith is form PTO-1449.
- c. _____ Copies of cited references are enclosed.
- d. _____ Some of the listed references were cited in the enclosed International Search Report in a counterpart foreign application.

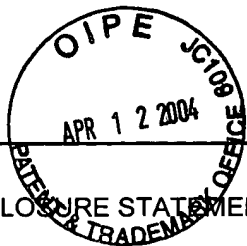
If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 19-3542.

Respectfully Submitted,

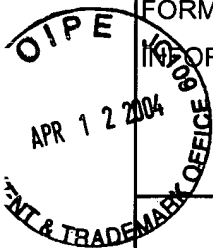
Date: April 8, 2004



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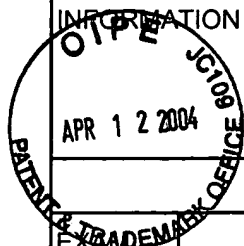


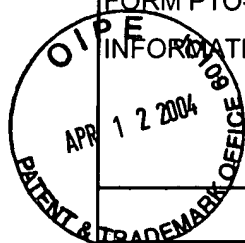
FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT				ATTY DOCKET NO. SHP026.4.3		SERIAL NO. 10/766,369	
				APPLICANT(S): FERGUSON et al.			
				FILING DATE: January 28, 2004		ART UNIT: Unknown	
UNITED STATES PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTORS	CLASS	SUB CLASS	FIL. DATE IF APPR
	1	1,436,707	11/28/22	G. Gaschke			8/1/2021
	2	4,332,323	06/01/82	E. Reenstierna	206	365	10/26/1978
	3	4,373,526	02/15/83	L. Kling	128	215	7/8/1980
	4	4,762,516	08/09/88	R. Luther	605	164	3/5/1987
	5	4,790,828	12/13/88	M. Dombrowski	604	198	8/7/1987
	6	4,804,371	02/14/89	V. Vaillancourt	604	198	11/12/1987
	7	4,826,490	05/02/89	P. Byrne	604	198	7/23/1986
	8	4,832,696	05/23/89	R. Luther	604	164	11/2/1987
	9	4,834,718	05/30/89	M. McDonald	604	195	6/1/1987
	10	4,846,811	07/11/89	M. Vanderhoof	604	263	1/29/1987
	11	4,917,669	04/17/90	J. Bonaldo	604	164	2/8/1989
	12	4,929,241	05/29/90	J. Kulli	604	263	8/5/1988
	13	4,931,048	06/05/90	G. Lopez	604	110	10/17/1988
	14	4,944,725	07/31/90	M. McDonald	604	164	4/11/1989
	15	4,950,252	08/21/90	R. Luther	604	198	5/5/1988
	16	4,952,207	08/28/90	F. Lemieux	604	164	7/11/1988
	17	4,964,854	10/23/90	R. Luther	604	166	1/23/1989
	18	4,978,344	12/18/90	M. Dombrowski	604	198	12/27/1988
	19	4,994,041	02/19/91	M. Dombrowski	604	164	4/9/1990
	20	5,007,901	04/16/91	J. Shields	604	110	9/12/1990
	21	5,049,136	09/17/91	G. Johnson	604	198	1/10/1990
	22	5,051,109	09/29/91	A. Simon	604	263	7/16/1990
	23	5,053,017	10/01/91	S. Chamuel	604	192	2/28/1990
	24	5,059,180	10/22/91	D. McLees	604	110	11/21/1989



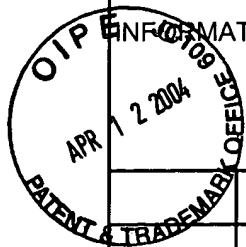
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UNITED STATES PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTORS	CLASS	SUB CLASS	FIL. DATE IF APPR
	25	5,084,023	01/28/92	F. Lemieux	604	167	3/22/1990
	26	5,084,030	01/28/92	P. Byrne	604	198	10/11/1990
	27	5,085,648	02/04/92	E. Purdy	604	198	9/13/1990
	28	5,127,905	07/07/92	F. Lemieux	604	164	10/30/1991
	29	5,135,504	08/04/92	D. McLees	604	164	7/17/1989
	30	5,147,327	09/15/92	G. Johnson	604	198	8/1/1991
	31	5,171,229	12/15/92	M McNeil	604	192	4/15/1991
	32	5,183,468	02/02/93	D. McLees	604	164	4/2/1991
	33	5,205,829	04/27/93	A. Lituchy	604	164	2/9/1990
	34	5,215,528	06/01/93	E. Purdy	604	164	2/7/1992
	35	5,300,045	04/05/94	W. Plassche	604	263	4/14/1993
	36	5,312,371	05/17/94	M. Dombrowski	604	198	7/27/1993
	37	5,322,517	06/21/94	R. Sircom	604	198	2/2/1990
	38	5,328,482	07/12/94	R. Sircom	604	164	3/20/1991
	39	5,334,158	08/02/94	D. McLees	604	110	12/20/1993
	40	5,342,310	08/30/94	U. Ueyama	604	110	8/24/1993
	41	5,344,408	09/06/94	L. Partika	604	192	8/6/1993
	42	5,348,544	09/20/94	N. Sweeney	604	192	11/24/1993
	43	5,411,486	05/02/95	F. Zadini	604	198	7/21/1993
	44	5,417,659	05/23/95	R. Gaba	604	110	7/20/1993
	45	5,419,766	05/30/95	J. Chang	604	110	9/28/1993
	46	5,423,766	06/13/95	Di Cesare	604	192	8/26/1994
	47	5,458,658	10/17/95	R. Sircom	604	192	5/6/1994
	48	5,478,313	12/26/95	J. White	604	110	8/18/1994
	49	5,487,733	01/30/96	Caizza et al.	604	110	4/11/1995
	50	5,533,974	07/09/96	Gaba	604	110	1/23/1995

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	51	5,531,704	07/02/96	E. Knotek	604	192	3/3/1995
	52	5,538,508	07/23/96	R. Steyn	604	192	7/30/1993
	53	5,549,570	08/27/96	A. Rogalsky	604	198	4/29/1994
	54	5,558,651	09/24/96	M. Crawford	604	263	12/27/1994
	55	5,562,624	10/08/96	N. Righi	604	110	5/11/1994
	56	5,562,633	10/08/96	R. Wozencroft	604	171	9/22/1992
	57	5,582,597	12/10/96	Brimhall et al.	604	192	7/11/1995
	58	5,584,809	12/17/96	R. Gaba	604	110	6/7/1995
	59	5,584,810	12/17/96	Brimhall	604	110	7/11/1995
	60	5,584,818	12/17/96	D. Morrison	604	197	9/25/1995
	61	5,599,310	02/04/97	D. Bogert	604	164	6/7/1995
	62	5,601,532	02/11/97	Gaba	604	110	1/11/1996
	63	5,601,536	02/11/97	M. Crawford	604	263	6/5/1995
	64	5,611,781	03/18/97	R. Sircom	604	164	7/11/1994
	65	5,662,610	09/02/97	R. Sircom	604	110	6/7/1995
	66	5,683,365	11/04/97	H. Brown	604	110	6/7/1995
	67	5,697,907	12/16/97	R. Gaba	604	110	1/19/1996
	68	5,718,688	02/17/98	R. Wozencroft	604	164	8/18/1995
	69	5,725,504	03/10/98	M. Collins	604	165	1/9/1997
	70	5,749,856	05/12/98	F. Zadini	604	162	1/24/1995
	71	5,853,393	12/29/98	D. Bogert	604	165	6/7/1995
	72	5,879,337	03/09/99	T. Kuracina	604	192	2/27/1997
	73	5,882,337	03/16/99	D. Bogert	604	110	6/7/1995
	74	5,910,130	06/08/99	Caizza et al.	604	110	9/25/1997
	75	5,911,705	06/15/99	G. Howell	604	110	5/8/1998





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UNITED STATES PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTORS	CLASS	SUB CLASS	FIL. DATE IF APPR
	76	5,951,515	09/14/99	R. Osterlind	604	110	3/7/1997
	77	5,980,488	11/09/99	D. Thorne	604	110	7/17/1998
	78	6,001,080	12/14/99	T. Kuracina	604	171	10/13/1998
	79	6,004,294	12/21/99	G. Brimhall	604	164	4/9/1998
	80	6,406,459	06/18/02	Allmon	604	192	12/21/1999
	81	6,117,108	09/12/00	K. Woehr	604	110	6/12/1998
	82	6,132,401	10/17/00	H. Van Der Meyden	604	195	
	83	6,193,964	02/27/01	D. Bell	604	192	2/9/2000
	84	6,203,527	03/20/01	F. Zadini	604	110	2/2/1996
	85	6,210,373	04/03/01	B. Allmon	604	192	12/30/1999
	86	6,221,047	04/24/01	Green et al.	604	164	7/31/1998
	87	6,280,419	08/28/01	W. Vojtasek	604	192	8/9/1999
	88	6,287,278	09/11/01	Woehr et al.	604	110	1030/98
	89	6,443,927	09/03/02	Cook	604	110	2/6/2001
	90	6,443,929	09/03/02	Kuracina et al.	604	192	8/31/1998
	91	6,585,704	07/01/03	Luther et al.	604	263	1/29/2001
	92	6,616,630	09/09/03	Woehr et al.	604	110	8/14/2000
	93	6,623,458	09/23/03	Woehr et al.	604	192	9/26/2001
	94	6,629,959	10/07/03	Kuracina et al.	604	192	4/30/2001
	95	6,652,486	11/25/03	Bialecki et al.	604	110	9/27/2001
	96	6,682,510	01/27/04	Niermann	604	263	11/28/2001
	97	US02/0099339	07/25/02	Niermann	604	263	11/28/2001
	98	US02/0107483	08/08/02	Cook	604	164.01	2/6/2001
	99	US02/0177813	11/28/02	Adams et al.	604	164.07	5/25/2001
	100	US02/0177818	11/28/02	Vaillancourt	604	198	4/4/2002



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				APPLICANT(S): FERGUSON et al.			
				FILING DATE: January 28, 2004		ART UNIT: Unknown	
	101	US03/0036731	02/20/03	Wilkinson et al.	604	198	8/15/2002
	102	US/03/0114797	06/19/03	Vaillancourt et al.	604	171	12/16/2002
	103	US03/0135157	07/17/03	Saulenas et al.	604	110	2/20/2003
	104	US03/0144627	07/31/03	Woehr et al.	604	110	9/20/2002
	105	US03/0195471	10/16/03	Woehr et al.	604	164.08	5/23/2003
	106	US03/0195479	10/16/03	Kuracina et al.	604	263	5/21/2003
	107	US03/0216687	11/20/03	Hwang	604	110	5/14/2003
	108	US04/0010227	01/15/04	Riesenberger et al.	604	110	5/14/2003
	109	US04/0049155	03/11/04	Schramm	604	110	4/29/2003
Foreign Patent Documents							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN Y/N
	110	EP 0 702 972 B1	07/24/95	EPO	A61M	5/32	Y
	111	EP 0 750 915 A2	01/02/97	EPO	A61M	25/06	
	112	EP 1 027 903 A1	08/16/00	EPO	A61M	25/32	
	113	EP 1 110 571 A1	06/27/01	EPO	A61M	5/32	
	114	EP 1 112 754 A1	07/04/01	EPO	A61M	5/32	
	115	EP 1 374 772 A1	01/02/04	EPO	A61B	5/15	Y
	116	WO 97/42989	11/20/97	PCT	A61M	5/00	
	117	WO 01/56642	08/09/01	PCT	A61M	25/06	
	118	WO 01/10488 A1	02/15/01	PCT	A61M	5/32	
	119	WO 02/45786 A2	06/13/02	PCT	A61M	25/00	Y
	120	WO 03/103757 A1	12/18/03	PCT	A61M	5/32	Y
Examiner:							
Date:							